



**THE TOWN OF PEMBROKE
PLANNING BOARD**

1145 Main Rd., Pembroke, NY 14036

Minutes for the regular meeting held on June 26, 2013

ATTENDANCE:

- Chairman-Thomas Schneider
 - Vice Chairman-Michael Herec
 - Michael Bakos
 - Mr. Kutter
 - Linda Rindell
 - John Cima
 - David Knupfer - *Absent*
- Diane Denton-Acting Recording Secretary

PUBLIC PRESENT: Yes

MEETING called to order at 7:30 pm.
Chairman Schneider led the “Pledge of Allegiance”.

A MOTION TO APPROVE the Minutes for the May 22, 2013 Planning Board Meeting was made by Richard Kutter, second to motion was made by Linda Rindell.

ALL AYES—MOTION CARRIED.

ABANDONED SPECIAL USE PERMIT

Christine Jekov

834 Cohocton Rd., Town of Pembroke
(Tax Map #18.-2-29.122)

- Mrs. Jekov has confirmed by letter that she is no longer conducting her retail and mail order business.

On **MOTION** made by Mr. Bakos, and seconded by Mr. Cima to **RESCIND the Special Use Permit for Home Occupation.**

ROLL CALL VOTE: Chairman Schneider-Aye; Ms. Rindell-Aye; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Herec-Aye.

ALL AYES—MOTION CARRIED

PLANNING BOARD DECISION: SPECIAL USE PERMIT RESCINDED

Land Separation

John Mroz

9092 Allegheny Rd., Town of Pembroke
(Tax Map #23.-1-3.11; Zoning District L/C)

- There is an issue with the set back. In Zoning District L/C, on Route 77 between Thruway and Corfu, it should be 125 ft. from the right of way.
- There was discussion about why Route 77 is a special case and what the proper setbacks should be used by the surveyor in creating the survey.

MOTION to APPROVE Land Separation was put on Hold until the July Planning Board meeting when Mr. Mroz will present a new survey showing what he would like to separate.

Land Separation

Jeffrey Humel

1633 Indian Falls Rd., Town of Pembroke
(Tax Map #12.-1-5.11; Zoning District AG/RES)

- Jeffrey Humel and William Brick are swapping properties to bring Mr. Humel’s property frontage of 240 ft. into compliance with Schedule A of Zoning Ordinance that requires a minimum of 250 ft. for a non-residential property in AG/RES.
- Jeffrey Humel is requesting a separation of approximately 180 ft. x 280 ft. x 150 ft. of TM# 12.-1-5.11 to merge with TM# 12.-1-5.12, and ultimately merge TM# 12.-1-5.12 with TM# 12.-1-6.
- Attorney Gerald Williams represented Mr. Humel.
- Chairman Schneider explained that when the board approved Mr. Humel’s Special Use Permit for his business the Planning Board missed that the lot only had 240 feet of frontage.

On **MOTION** made by Mr. Cima, and seconded by Mr. Kutter to make a **negative declaration on the SEQR short form.**

ROLL CALL VOTE Chairman Schneider-Aye; Ms. Rindell-Nay; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Herec-Aye.

1 Nay, 5 Ayes—**MOTION CARRIED**

MOTION made by Mr. Kutter and seconded by Mr. Cima to **APPROVE Land and Merger** contingent on the Planning Board seeing an acceptable deed that includes language of intention of merging.

ROLL CALL VOTE Chairman Schneider-Aye; Ms. Rindell-Nay; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Herec-Aye.

1 Nay, 5 Ayes—**MOTION CARRIED**

PLANNING BOARD DECISION: APPROVAL CONTINGENT ON ACCEPTABLE DEED

Land Separation

William Brick

1613 Indian Falls Rd., Town of Pembroke
(Tax Map #12.-1-6; Zoning District AG/RES)

- Mr. Brick is requesting a separation of 15 ft. frontage from TM# 12.-1-6 to be merged with TM# 12.-1-5.11. This request is in regards to increasing the frontage of TM# 12.-1-5.11, owned by Jeffrey Humel, so that it is in compliance.

On **MOTION** made by Mr. Schneider, and seconded by Mr. Kutter to make a **negative declaration on the SEQR short form.**

ROLL CALL VOTE Chairman Schneider-Aye; Ms. Rindell-Nay; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Herec-Aye.

1 Nay, 5 Ayes—**MOTION CARRIED**

MOTION made by Mr. Kutter and seconded by Mr. Herec to **APPROVE Land Separation and Merger** contingent on the Planning Board seeing an acceptable deed, which shows the two properties merged.

ROLL CALL VOTE Chairman Schneider-Aye; Ms. Rindell-Nay; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Herec-Aye.

1 Nay, 5 Ayes—**MOTION CARRIED**

PLANNING BOARD DECISION: APPROVAL CONTINGENT ON ACCEPTABLE DEED

SPECIAL USE PERMIT

Ryan Young

510 Knapp Rd., Town of Pembroke

(Tax Map #14.-1-11; Zoning District AG/R)

(Public Hearing held 4/24/2013)

- Mr. Young is requesting a Special Use Permit for a Home Occupation for retriever training.
- Public Hearing on hold from April 24, 2013.
- Mr. Young has now purchased the property.
- Mr. Young will be housing the dogs he trains with his own two (2) dogs and have no more than five (5) dogs at his property at any one time, which he is allowed as a resident.
- Chairman Schneider called Mr. Young, who is currently out of town, to let him know that the Planning Board was ready to act on his request for a Special Use Permit.
- The neighbors who attended the Public Hearing in April had originally misunderstood Mr. Young's intention, and seemed content with his explanation of what he planned to do as well as his assurance that the dogs would not bark excessively or be left unattended outside.

On **MOTION** made by Ms. Rindell, and seconded by Mr. Cima to make a **negative declaration on the SEQR short form.**

ROLL CALL VOTE Chairman Schneider-Aye; Ms. Rindell-Aye; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Herec-Aye.

All Ayes—**MOTION CARRIED**

MOTION made by Mr. Kutter and seconded by Mr. Cima to **APPROVE the Special Use Permit for Home Occupation for Retriever Training** with stipulations that he follow the conditions stated in the letter that accompanied his application.

ROLL CALL VOTE Chairman Schneider-Aye; Ms. Rindell-Aye; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Herec-Aye.

All Ayes—**MOTION CARRIED**

PLANNING BOARD DECISION: APPROVAL with the only restriction being that Mr. Young maintains his business in accordance with the letter of description he filed with his SUP Application.

PUBLIC PARTICIPATION:

- Chairman Schneider invited members of the public to attend the meeting to voice their opinions about some on-going issues in the Town.

❖ RC Pulsers:

The Town’s Attorney said there is nothing the Town can cite RC Pulsers on. Chairman Schneider has been out to the site on a Friday and Saturday when they were flying most of their machines. He has asked the board members to go out there, also. The Board wasn’t in a position to debate on it at present, but was open to listening to the public’s concerns.

Concerns from the public included:

- The noise from the planes flying really travels; helicopters are the worst.
- The flying is too close to residential area.
- Residents feel the planes fly at certain times to spite them—not adhering to schedule agreed upon.
- Planes are flying and sometimes crashing beyond the Pulsers’ property.
- Residents are concerned about danger from crashing planes.
- Residents just want there to be some kind of solution.

Comments were made by board members that everyone has a right to enjoy their property. Also, that it would help their case if the residents provided proof of any violations: i.e. log, videos time dated, photos. Chairman Schneider assured that the Planning Board was considering the public’s concerns and would speak to the Town attorney. A suggestion was made that concerned residents attend the next Town Board meeting as the issue of enforcement falls under its jurisdiction.

MOTION made by Mr. Kutter and seconded by Mr. Herec that, based on the concerns presented by the public present, Chairman Schneider contact the Town attorney to see if a review of the Special Use Permit could be made due to increased use over what was described when the original Special Use Permit was issued.

ROLL CALL VOTE Chairman Schneider-Aye; Ms. Rindell-Aye; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Herec-Aye.

All Ayes—**MOTION CARRIED**

❖ Jeffrey Humel:

Donna Elliott and her significant other were present and expressed their on-going concerns that Mr. Humel is in violation of his Special Use Permit, highlighting issues that continue to adversely affect them and other neighboring properties, including harassment. Mr. Kutter had called the town attorney to see if Mr. Humel is in violation of his Special Use Permit which allows him to store containers and porta-johns. If he is emptying and cleaning them, he is in violation and can be cited by the Zoning Administration, making it possible for the Special Use Permit to be open. Zoning Officer, Shellye Dale-Hall, was present and stated that the problem was that the Special Use Permit granted to Mr. Humel did not include enough stipulations. Mr. Kutter said “Mr. Humel’s neighbors have a right to enjoy their property without being disturbed or harassed.” As far as the apartments, because the Certificate of Occupancy was revoked by the Zoning Board of Appeals, they are not allowed to be occupied. As an either/or situation, Mr. Humel’s agreement to withdraw his business by August 31, 2012 and keep the three apartments was noted in a memo but not backed up by a

signed legally binding agreement. Chairman Schneider is going to talk to the Town Board about what they want the Town's enforcement to do.

DISCUSSION: None

NEW BUSINESS:

Mr. Kutter requested that a court appearance ticket be issued by the Zoning Administration to Lou Visone regarding his business at 797 Main Rd. operating as a contractor's yard without a Special Use Permit, in violation of Section 407 B7. Zoning Officer Shellye Dale-Hall said that a number of letters, some certified, have been sent over the years and most ignored. The next step would be an appearance ticket which puts it in the court's hands.

MOTION made by Mr. Kutter and seconded by Ms. Rindell Motion that a court appearance ticket be issued by the Zoning Administration to Lou Visone.

ROLL CALL VOTE Chairman Schneider-Nay; Ms. Rindell-Aye; Mr. Bakos-Nay, Mr. Kutter-Aye; Mr. Cima-Nay; Mr. Herec-Aye.

3 Ayes, 3 Nays—**MOTION NOT CARRIED**

OLD BUSINESS: None

A **MOTION** to adjourn the meeting was made by Chairman Schneider, and seconded by Ms. Rindell.

ALL AYES—MOTION CARRIED

Meeting Closed at 9:50 pm.

Respectfully Submitted,

Diane M. Denton
Acting Recording Secretary
Thomas Schneider Chairman

These minutes are a draft only, subject to revision and or change prior to approval by the Town of Pembroke Planning Board.